

**Town Board Minutes**  
(Municipal Review Committee )

**Meeting**  
**No. 2**

**Special Meeting**

**January 18, 2005**

# Town Board Minutes

January 18, 2005

Meeting No. 2

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 18<sup>th</sup> day of January 2005, at 6:30 PM and there were

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER\*  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT:** MARK MONTOUR, COUNCIL MEMBER  
STEVEN SOCHA, PLANNING BOARD MEMBER

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

\* Ms. Anderson recused herself from the proceedings and voting because many issues related to the subject project are in front of the New York State Department of Environmental Conservation, her employer.

## **PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for one (1) action.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Pleasant Meadows LLC, the applicant with offices at 2730 Transit Road, West Seneca, New York 14224 has petitioned the Town Board on April 11, 2000 to amend the Zoning District Map and Zoning Ordinance of the Town to rezone approximately 271 acres of land located on the north side of Walden Avenue, south of Pleasantview Drive between Central Avenue and Stony Road, Town of Lancaster, County of Erie, State of New York which hereinafter shall be referred to as the "Property", and

**WHEREAS**, such application to amend the Town Zoning District Map and Zoning Ordinance to cause a change in zoning classifications on the property is as follows:

(1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings.

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings.

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings.

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

**WHEREAS**, such application to amend the Town's Zoning District Map and Zoning Ordinance shall be referred to as the Action, and

**WHEREAS**, the Town of Lancaster was designated as the lead agency for purposes of the SEQRA review, and

**WHEREAS**, the Town's Municipal Review Committee, has reviewed the Action pursuant to the requirements of the State Environmental Quality Review Act and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617 *et seq.* (collectively referred to as "SEQRA"), and

**WHEREAS**, the Municipal Review Committee issued a Positive Declaration for the Action on December 4, 2000, and

**WHEREAS**, the Town required the project sponsor to cause the preparation of a Draft Environmental Impact Statement ("DEIS") which was accepted by the Municipal Review Committee and Town Board as complete on October 21, 2002, and

**WHEREAS**, the lead agency held a public hearing on the DEIS on January 14, 2003 and a public hearing on the rezone on March 17, 2003 which afforded the public the opportunity to be heard on the Action, and

**WHEREAS**, the Town's Municipal Review Committee required the project sponsor to submit a SDEIS which was accepted as complete and in accordance with SEQRA on August 2, 2004, and a public comment period was held open to September 10, 2004, and

**WHEREAS**, after a full and thorough review of the SDEIS, comments submitted at the above-referenced public hearings and other written comments submitted to the Town Clerk, the Town's Municipal Review Committee determined that the Action required a Final Environmental Impact Statement ("FEIS"), and

**WHEREAS**, the FEIS was submitted to the Town and after due consideration was accepted for public review at the meeting of the Town's Municipal Review Committee held on November 1, 2004; and

**WHEREAS**, upon full consideration of the FEIS, the Municipal Review Committee is prepared to issue its Findings Statement with respect to the Action and pursuant to SEQRA; and

**WHEREAS**, the process undertaken by the Town as lead agency to review the Action has provided a means for the Town, public agencies, the project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation and this process has allowed the weighing of social, economic and environmental factors early in the planning and decision-making process; and

**WHEREAS**, as part of the Zoning Ordinance of the Lancaster Town Code, the Town has established a site plan review process at Section 50-43 to control development including that within the zoning districts proposed in the Action, to wit: MFR-3, MFR-4 and RCO zoning districts, which such site plan review process will afford a full and thorough opportunity to control the actual development of the Property, and

**WHEREAS**, the Town requires a review process for the development of residential subdivisions with R-1 and R-2 zoning districts which affords the Town control over a subdivision development plat within the R-2 zoning as proposed in the action herein;

**NOW, THEREFORE**, be it resolved as follows:

1. That the proposed amendments to the Zoning District Map of the Town of Lancaster with respect to the approximate 271 acres of land which include the following zoning changes:
  - (1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings;

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings;

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings;

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

have been determined, after a full environmental review including DEIS, SDEIS and FEIS, to be actions which with the mitigation proposed are actions that avoid or minimize adverse environmental impacts to the maximum extent practicable.

2. The Municipal Review Committee, has reviewed and hereby adopts the attached Findings Statement and all of its supporting documentation with respect to the petition for zoning change of land and incorporates its analysis and findings in this resolution and directs the Town Clerk to file such Findings Statement and this resolution with all appropriate and involved agencies in accordance with the requirements of SEQRA.

3. This resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	WAS ABSENT
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	WAS RECUSED
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED NO
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

January 18, 2005

File: rpleasantmeadowsmrcacceptfindingsstatement105

# STATE ENVIRONMENTAL QUALITY REVIEW

## FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Review Act- SEQR) of the Environmental Conservation Law and 6. NYCRR Part 617, the Town Board of the Town of Lancaster, as Lead Agency, makes the following findings:

**Name of Action:** Pleasant Meadows Subdivision

Rezoning for multi-family development for densities in MFR-3 and MFR-4, rezoning for residential/commercial uses for office park, rezoning for greater density for single family dwellings.

**Description of Action:** (1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings.

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings.

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings.

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

**Location:** North side of Walden Avenue between Hedge Lane and Traceway and running north to Pleasantview Drive, Town of Lancaster, Erie County, New York

**Agency Jurisdiction:** (1) *Approval for rezoning* is required by the Town of Lancaster, pursuant to the permitted use provisions of the Town of Lancaster Zoning Code. Multi-family residential development at this site is contingent upon receiving this approval as is the office park.

(2) *Site plan approval* will be required by the Town of Lancaster pursuant to Article VIII, Section 50-43 of the Zoning Code of the Town of Lancaster for the office park development.

(3) *Subdivision approval* will be required by the Town of Lancaster pursuant to Article I, Section 30 of the Permit and Application Fee of the Code of the Town of Lancaster and the Regulations for the Subdivision of Land adopted by the Town of Lancaster.

**Date Final EIS Filed:** October 15, 2004

**Facts and Conclusions in the EIS relied upon to support the decision:**

### PART I: INTRODUCTION

A Petition was filed by Manufacturers and Traders Trust Company, on or about April 11, 2000, requesting the Town Board of the Town of Lancaster to amend the Zoning Ordinance of the Town of Lancaster to rezone approximately 271 acres of property located at the northwest corner of the project site fronting on Pleasantview Drive in the Town of Lancaster, Erie County and State of New York. Pleasant Meadows LLC as successor in interest to M & T, thereafter, addressed development of the proposed project.

The Petition requested (1) rezoning of the approximately 55 +/- acres of the Property currently zoned R-1 to Multi-Family District Four (MFR-4) to permit the construction of multi-family dwelling units (2) rezoning of 39 +/- acres of land from R-1 to MFR-3 to permit the construction of multi-family dwelling units (3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings (4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

The Town's Municipal Review Committee after its initial review of the full environmental assessment form (EAF) and considering the potential environmental impacts of the project, issued a Positive Declaration in accordance with the provisions of a SEQRA at its meeting held on December 4, 2000 with a Notice of Intent to prepare a Draft EIS which was prepared for the Town Board on behalf of the developer and submitted on August 20, 2002. The DEIS was thereafter accepted by the MRC and Town Board as complete on October 21, 2002. On January 14, 2003 the Town Board held a public hearing on the DEIS and on March 17, 2003 a public hearing on the rezone petition.

The Town as lead agency determined that a Supplemental DEIS (SDEIS) was required and the developer submitted same on December 15, 2003. After receiving comments from the public, other interested agencies and the Town's consultant Clough, Harbour & Associates LLP (CHA) the Town accepted the SDEIS as complete by Town Board resolution on August 2, 2004 and a public comment period was held open until September 10, 2004.

The DEIS and SDEIS and all written comments received during the public comment period including the public hearing were reviewed by the Town Board and Town's Municipal Review Committee and the Town's Consultant, Clough, Harbour & Associates LLP.

Incorporating the written responses to all substantive written and oral comments received during the public comment period, an FEIS was subsequently prepared by the Applicant for consideration and review by the Town's Consultant, the MRC and Town Board. Following this careful review and analysis, the FEIS was accepted as complete by the Town Board on November 1, 2004 and circulated to the involved agencies and the public. An extended period of approximately 28 days for public review period was established from this date to November 29, 2004, which was then extended and held open to December 13, 2004 by the Town Board and Municipal Review Committee resolution of December 6, 2004.

The Town Board has carefully and thoroughly reviewed the information contained in the FEIS, Appendices, the SDEIS and its Appendices and the original DEIS and found it to be an adequate examination of all important potential impacts which would result from affirmative action on the subject rezoning application for development of multi-family dwellings, the construction of a residential subdivision and townhouses and the construction of an office park development.

Since receipt of the FEIS, the Town Board has received additional comments. The Town Board has carefully considered these additional comments and has determined that the issues raised by such comments were adequately addressed in the FEIS.

The Town Board recognizes that qualified experts on any topic may differ in their conclusions and in particular may differ in the judgements employed during analysis. The Town Board acknowledges that the review of this rezoning proposal and the debate over various issues that have been submitted by government agencies, other experts and the general public reflect hundreds of hours of examination of the project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential impacts of this project as a basis for considering the requested rezoning and development of the site.

Recognizing that SEQRA was developed to foster a careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequence has the most meaning, this review was conducted prior to any agency decision regarding permits or approvals and while the project is still in its formative stage. This early environmental analysis is appropriate in this case where a rezoning of land is also required prior to project development. The filing of conceptual plans for a major project is common and affords important opportunities to obtain information and help shape the ultimate project that will be presented for more detailed review by the Town Planning Board at its site plan review stage. The environmental review of this rezoning action has afforded the Town Board and other involved agencies a clear understanding of the potential environmental impacts that might arise from the actual construction on and use of the site. To the extent possible, the Applicant presented detailed information regarding certain impacts, most notably traffic and wetlands which can be reasonably anticipated and analyzed at an early stage of the process. Analysis of other impacts, such as the stormwater run-off, drainage, visual and aesthetic impacts, can only be performed in a conceptual manner and must await the preparation of a detailed site plan. The review of the site plan will advance to its final

stage with the Town following completion of the SEQR process. During the final review of the site plan and subdivision plan the Town will assess the consistency of the final plans with the details that were considered during the SEQR process and move to a decision on the approval of the site plan and subdivision plan after this consideration. The environmental review process has provided the Town Board with a clear understanding of the nature of potential impacts associated with the development of the site. The US Army Corps of Engineers (USACOE) exercised jurisdiction over the investigation of wetlands which are within the boundaries of the Site. The Applicant has been working cooperatively with the USACOE to evaluate the functions and values, and adequate mitigation of these wetlands, after having considered alternatives to avoid or minimize impacts to them. The Applicant has worked cooperatively with NYS DEC to ensure that all appropriate steps are taken to ensure integrity of the NYS designated wetlands on site. New York State Department of Transportation (NYSDOT) has jurisdiction over roadway changes to Walden Avenue at the proposed intersection of Pleasant Meadows Road and requires that a left turn lane be constructed by the project sponsor as a condition of obtaining a Highway Work Permit from DOT.

The New York State DOT has identified that it has a project planned for the summer of 2011 whereby improvements will be made to the intersection of Genesee Street, Route 33 and Transit Road, Route 78. The New York State DOT has indicated that traffic at Pleasantview Drive and Transit Road will experience additional delays for some movements. The FEIS demonstrates possible highway improvements including an additional west bound right turn lane, creating dual right turn lanes, and additional left turn lane, creating dual left turn lanes and an additional north bound thru lane as potential mitigation actions.

The DOT advises that making improvements at the Pleasantview Transit Road intersection at the present time may not result in fully realized improvement to traffic flow prior to the completion of capacity improvements at the Genesee Street/Transit Road intersection given the proximity of this intersection to the Genesee Street/Transit Road intersection. As a result DOT has recommended that it is desirable to have the highway improvements of Pleasant View Drive and Transit Road coordinated with the schedule of the New York State DOT for the improvement of the Genesee Street/Transit Road intersection.

Since Pleasantview Drive is a County highway the Erie County Highway Department shall address mitigation of traffic impacts as they affect this County Road.

The project sponsor shall enter into an agreement with the Erie County DPW to pay for cost of mitigation deemed necessary by the County DPW at the intersection of Harris Hill Road, Central Avenue and Pleasantview Drive as the development of the project site progresses.

The County of Erie DPW will require that as part of the current progression of the design project at the County roads intersection of Harris Hill Road, Central Avenue and Pleasantview Drive that the developer will enter into an Agreement with ECDPW to pay for the cost of improvements deemed to be appropriate by the County DPW at the intersection of Pleasantview Drive and Transit Road which will be effectuated through a reverse betterment agreement between the County of Erie DPW and the New York State DOT.

NYS DOT has determined that it will require exclusive left turn lane eastbound on Walden Avenue to be constructed at the developers expense as a condition of the NYS DOT issuing a highway work permit to connect Pleasant Meadows Drive to Walden Avenue. The DOT will also require that the developer obligate itself to provide for signalization at that intersection in the future if DOT, after monitoring, determines such a signal to be necessary.

The DOT has determined that the intersection of Walden Avenue and Stony Road will not be impacted by this development and the developer will not be obligated to install a signal at this location.

That the Walden Avenue and Transit Road intersection has been reviewed by DOT and while the FEIS discusses possible highway improvements involving the addition of turn lanes, the DOT states that construction of additional turn lanes by the developer is not feasible due to highway right-of-way constraints.

That with regard to the intersection of Walden Avenue and Central Avenue the FEIS discusses possible highway improvements involving an additional north bound left turn lane on Central Avenue but DOT has determined that given highway right-of-way constraints the developer cannot construct this additional turn lane.

## **PART II: THE SITE**

The members of the Town Board are familiar with the Site and the area surrounding the Site.

The proposed action seeks to (1) rezone approximately 55 +/- acres of land from R-1 to MFR-4 on which multi-family dwellings will be constructed. The land is undeveloped at this time. (2) rezone approximately 39 +/- acres from R-1 to MFR-3 (3) rezone approximately 67 +/- acres from R-1 to R-2 for single family dwellings (4) rezone approximately 55 +/- acres from R-1 to RCO for an office park.

The Project Site is bounded by Walden Avenue to the south, Walden Trace Subdivision to the west, Stony Brook Subdivision to the east and Pleasantview Drive to the north.

The site contains 39 acres of New York State regulated wetlands. The said regulated wetlands will be conveyed to the Town of Lancaster together with the conveyance of a conservation easement along the east boundary of the parcel to connect the wetland areas.

## **PART III: LAND DONATION/CONSERVATION EASEMENT**

- A. Upon authorization and approval by the Town Board of Public Improvement Permits, for Phase I of the proposed development, the Project Sponsor will be required to convey by quit claim deed to the Town of Lancaster, all their right, title and interest to the 42 +/- acre parcel of land as described in the DEIS which includes the 39 acres of NYS regulated wetland.
- B. In addition, upon approval by the appropriate regulatory agencies of the proposed wetland mitigation areas, the Project Sponsor will be required to convey to the Town of Lancaster a Conservation Easement consisting of a "Corridor" linking the proposed wetland mitigation area to the 42 +/- acres of land to be conveyed to the Town. The precise location of the easement "Corridor" is to be determined by the DEC and the Town. This easement will be granted to the Town at such time the wetland mitigation is accepted as complete by the appropriate agencies.

## **PART IV: PROPOSED DEVELOPMENT**

Applicant proposes to construct a residential subdivision of 174 single family homes, 120 townhouses, 512 multi-family dwellings and an office park. The Applicant is required to obtain Town Board site plan approval prior to constructing the multiple dwellings and the office park/light industrial. Site plan approval will allow the Town to further control the development of the Site to assure that the scope of development is consistent with that analyzed in the SEQR process. The Town site plan approval considers, among other issues: ground coverage, setbacks, green spaces, parking spaces, ingress and egress, ingress and egress to county highway, ingress and egress to state highway, ingress and egress to town road, sewer, water, drainage, lighting, signage, screening and landscaping. The applicant is required to obtain subdivision approval for the residential subdivision and townhouses. The review process for a subdivision considers the street layout and imposes Town specifications on public improvements. Storm water drainage and detention areas must be sized to accommodate 100 year flood events while retaining discharge from same to the 10 year undeveloped discharge level.

The Town Board of Lancaster, as lead agency, reviewed a conceptual site plan set forth in the DEIS, SDEIS and FEIS. The detailed site plan to be prepared will take into account the comments of the involved agencies, in particular, Erie County Department of Environment and Planning (ECDEP) regarding construction of sanitary sewers, NYSDEC regarding a Stormwater Pollution Prevention Plan, and Erie County Water Authority (ECWA) for water supply connections.

Other agencies which must approve various aspects of the proposed development include the Erie County Sewer District No. 4, ECDEP, NYSDOT, ECDPW Highway Division, U.S. Army Corps of Engineers, and NYSDEC.

**PART V: TRAFFIC AND ROADWAY IMPROVEMENTS**

The principal roadways to be affected by the construction and use of the site are Walden Avenue, which falls under the jurisdiction of the NYSDOT; and Pleasantview Drive which falls under the jurisdiction of the ECDPW Highway Division.

Applicant has agreed in writing to make the roadway improvements at the intersection of Pleasantview Drive and Harris Hill/Central Avenue as determined by ECDPW in the future for the mitigation of traffic impacts.

Applicant has agreed to make roadway improvements on Pleasantview Drive at and near the intersection of Transit Road as determined in the future by ECDPW for the mitigation of traffic impacts.

These extensive roadway improvements and access management controls will substantially mitigate the effects of increased traffic resulting from the construction and use of the site.

Once the off-site improvements have been constructed by the Applicant and accepted by the appropriate governmental agencies, maintenance will be performed by those agencies with jurisdiction.

Increase in traffic due to development is inevitable, however, the mitigation proposed by the Applicant alleviates to the best extent possible, the negative impacts of this increase.

**PART VI: WETLAND IMPACTS - MITIGATION AND HYDROLOGY**

**A. Mitigation**

Wetland mitigation to be completed as set forth by EDI in their preliminary Wetland Delineation Permit.

1. 5.01 +/- acres of new wetland creation.
2. 2.3 +/- acres of wetland buffer to establish a natural green-way corridor along the east project line linking wetland 13/LA-16 to Scajaquada Creek.

Wetland impacts as detailed in DSEIS and EDI Preliminary Wetland Mitigation Plan.

1. 0.07 +/- acres of wetlands and stream crossing Scajaquada Creek to access upland acres north of the creek. This crossing is unavoidable and has been minimized to a single crossing as shown in the EIS.
2. 0.45 +/- acres of wetland disturbance to cross wetland 13/LA-16 to link and complete the infrastructure network (roads, waterlines, etc.). This crossing is critical to provide maximum emergency access to the site. The impact has been minimized to limit the impact to the roadway and utilities. No homes are to be constructed within the wetland boundary.
3. 1.62 +/- acres of wetland buffer disturbance along the northerly boundary of wetland 13/LA-16. The disturbance is to be limited to the construction of storm water detention facilities and pipes that will also serve as a physical barrier between human activities areas proscribed for development, and the regulated areas within wetland 13/LA-16.
4. 0.77 +/- acres of impact to federal jurisdictional wetlands 18 and 19. Preservation of this small wetland area would not result in meaningful benefits to the quality of waters of the United States or the habitat contained within wetland 13/LA-16. We find that U.S. waters will result from the compensatory creation of new wetland areas along the Scajaquada Creek corridor as designed and described in the EDI Preliminary Wetland Mitigation Plan contained within the DSEIS.
5. 0.40 +/- acres of impact to the Southern perimeter wetland 13/LA-16, and 1.69 +/- acres of associated buffer. Preservation of this area provides no significant benefit to the waters of the United States or the habitat contained within wetland 13/LA-16. We find that U.S. waters will result from the compensatory creation of new wetland areas along the Scajaquada Creek corridor as designed and described in the EDI Preliminary Wetland Mitigation Plan contained within the DSEIS.

## B. Hydrology

In order to mitigate for seasonal fluctuations to the water table within the existing wetland areas, the Project Sponsor will create seven vernal pools for the purpose of preserving habitat for wildlife species that utilize the existing wetland areas on the Project Site.

## PART VII: BIOLOGICAL RESOURCES

The primary impact to biological resources as a result of the project will be permanent loss or conversion of primary open field vegetation on the site, and the wildlife habitat it represents. However, approximately 16% of the site is proposed to be set aside for open space preservation. This is a forested area of about 42 acres located in the central portion of the site, and is the only stand of woods on the property. Additionally, another 4 +/- acres of property will be preserved as open space along the Scajaquada Creek corridor.

With the remaining areas specified for development, virtually all of the existing vegetation will be converted to residential and office related uses. This includes the conversion of fields to impervious surfaces (i.e., roads, buildings, sidewalks, parking areas, etc.) As well as lawns and landscaped areas - including detention ponds. Curvilinear designed, multi-use projects may contain over 60% green space, distributed into yards and common areas throughout the site.

The existing biological resources (vegetation and wildlife) found on the project site are characteristic of suburban areas, and are relatively common in the vicinity. If common areas are designed sufficiently large (particularly in those areas abutting lands specified for donation as public open space) vegetation can be allowed to mirror the existing successional field habitat. These areas will then represent similar habitats to those being displaced and can be expected to compensate to some extent for the loss of existing vegetation. As a result, only minimal terrestrial biological impacts are expected to occur as a result of the proposed project, although these impacts do represent a permanent conversion of existing resources.

No rare, threatened, or endangered species or critical habitats were identified within the project bounds in EDI's assessment of the property (see Appendix "E" of the DEIS - Ecological Evaluation). Therefore, no impacts to state or federally listed rare, threatened, or endangered species or critical habitats will occur as a result of the project.

## PART VIII: NOISE IMPACT AND MITIGATION

The construction phase of the project will have some unavoidable noise impact on the adjoining residential areas. Some level of noise disturbance is anticipated during any construction project. The SDEIS analyzed the noise impact in detail. Applicant will follow "best management practices" in mitigating construction noise at the site. Applicant will also:

Restrict construction activity to daytime hours.

## PART IX: GEOLOGY AND SOILS

The proposed Pleasant Meadows Subdivision has very stiff to hard glacial tills located immediately below the topsoil in the northern part of the site and within four feet (4') of the ground surface in the central and south-central portion of the site. Based on the referenced materials, the only areas where the glacial till sediment is deeper than four feet (4') is along Scajaquada Creek and south of Scajaquada Creek to Walden Avenue. This is based on the Ovid and Churchville soil types recognized on the Published Soil Survey of Erie County, and identified during the Wetland delineation conducted by EDI in the fall of 1997 and the extensive soil boring investigation conducted by April 12, 2004. The soil boring investigation verified the condition of the underlying glacial till and subsoils in the area intended for residential development.

The differential settling noted in residential homes in select isolated areas within Western New York is related to the prismatic soil structure boundary to the soft and very soft laminated lacustrine clays. This is occurring where this boundary is within three (3) feet of the residential basement. The compressible illitic clayey laminated sediment subject to shrinkage is not present in the central and northern part of the proposed Pleasant Meadows development. The only area where there may be cohesive, compressible sediment would be within the flood plain area and south of Scajaquada Creek. The portion of the Pleasant Meadows project site south of Scajaquada Creek is proposed for commercial development. A detailed geotechnical investigation which includes soil borings will be completed for each of the commercial components prior to the final design of each building. In addition, there are no habitable structures as proposed within the flood plain.

#### **PART X: DRAINAGE**

The Applicant will provide a stormwater management system, which is designed to attenuate peak rates of stormwater flow from the Site equal to no greater than 10-year pre-development storm event. The stormwater management system and detention basins will be sized to accomodate stormwater from a 100 year storm event.

The Applicant will finalize design and follow a Stormwater Pollution Prevention Plan, which will be utilized to allow the use of the State Pollution Discharge Elimination System (SPDES) permit from the NYSDEC. The Applicant must file a Notice of Intent, Termination and Transfer and demonstrate conformance of the Stormwater Pollution Prevention Plan with the SPDES General Permit guidelines.

The detailed storm drainage system for the Site must be included in site plans and subdivision plat for review by the Town Engineer, Town Planning Board and Town Board.

The design water levels for the stormwater management system will be set to preclude negative drainage conditions upstream of the basin area.

The stormwater management and treatment system will be constructed to dissipate energy and prevent scouring at the basin inlets. In addition, the system will provide extended detention for pollution removal, and discharge to an area in which natural processes will provide further polishing of the stormwater prior to release into the existing drainage network.

Stormwater conveyance structure will be inspected routinely to ensure proper operation. The Applicant will perform regular preventative maintenance and cleaning, including removal of debris from the catch basins, and pre-treatment areas, to minimize pollutant entering the stormwater management system prior to conveyance of these areas to the Town of Lancaster. The detention basins will not be conveyed to the Town until such time as the entire site is built out.

#### **PART XI: LIGHTING**

There is no significant adverse environmental impact due to the proposed project development.

#### **PART XII: EMPLOYMENT**

Construction of project will result in temporary construction job over a number of years. Construction and operation of office park area is expected to add substantial employment opportunities to the region's economy.

The Town of Lancaster recognizes the value of these jobs to the community in terms of betterment of personal income, and the benefits to job-seekers.

#### **PART XIII: MASTER PLAN**

The Town has considered the environmental impacts of the proposed rezoning and its compatibility with the current adopted Comprehensive Plan. The Comprehensive Plan represents the current thinking for not only Town of Lancaster, but also its neighbors: The Village of Depew and Village of Lancaster.

The Comprehensive Plan recognizes the growth and development in the Town as positive influences and helps identify areas of opportunity for continued revitalization of the community. The Plan also promotes an appropriate level of mix of commercial, residential, recreational and open space land use.

#### PART XIV: ALTERNATIVES

In accordance with SEQRA Regulations, the FEIS contained discussion of alternatives.

Alternatives considered included the "No-Action Alternative" including a "no-build" scenario, as well as an "as of right" development.

The Town finds that the Applicant has demonstrated an ability and willingness to conduct activities in an environmentally sensitive manner, meeting the standards imposed by Federal, State and Local involved or interested agencies.

The configuration of the site includes proximity to shopping opportunities, relatively moderate environmental impacts and availability of public infrastructure to service the site.

#### PART XV: MISCELLANEOUS

The Applicant has incorporated a number of measures that would mitigate or eliminate the significant and potential environmental impacts associated with the development.

The Applicant will mitigate impacts to wetlands on site by creating replacement wetlands on-site and will preserve a high quality wooded wetland/upland complex and state regulated wetland on site.

Some soil erosion will occur during construction as a result of clearing, grubbing, grading, excavating and other earth-moving operations. Sediment loading to surface waters will be minimized by conventional temporary and permanent erosion and sediment control measures (e.g. silt fences and hay bales, rip-rap lined channels, and sedimentation basins etc.) during construction. Permanent drainage swales and a detention basin will be used to reduce sediment after construction. The total area of soil disturbance will be minimized by construction sequencing. These measures coupled with the relatively flat topography of the site, should adequately mitigate impacts from sedimentation and erosion. The Applicant will be responsible for maintenance, inspection and preventative maintenance of sediment and erosion control features post-construction. Undeveloped but disturbed areas must be seeded and maintained with successful vegetative cover.

Best management practices, such as conventional air emission control devices, will be used for construction equipment, to minimize impact to the existing air quality. Site preparation and other construction activities can be expected to generate fugitive dust. Applicant must control fugitive dust by minimizing area of exposure, spraying water during dry conditions and operating construction vehicles at appropriate speed throughout the construction phase of the Project.

Due to the proximity of the Pleasant Meadows project area to previously recorded archaeological sites, the Project Sponsor retained Pratt & Huth Associates, LL and The Commonwealth Cultural Resource Group, Inc. (CCRG) to conduct on-site evaluations within the project area. The investigation included State 1 Review as well as close interval shovel testing. Stage 2 site evaluation investigations were conducted by CCRG. Their report is set forth in Appendix "F" of the DEIS. The New York State Office of Parks, Recreation and Historic Preservation reviewed the report findings and found the development will not impact cultural resources eligible for the NYS or National Register of Historic Places. Therefore, no further investigation is required.

#### PART XVI: CONCLUSION

The process undertaken by the Town to review the proposed development has provided a means for agencies, the project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. The process has allowed the weighing of social, economic and environmental factors early in the planning and decision-making process.

The proposed rezoning of the land from R-1 to R-2, consisting of 66.651 +/- acres is consistent with the surrounding land uses, and meets the intent and objectives of the Town's Zoning Ordinance.

The proposed rezoning of the land from R-1 to MFR-3 consisting of 38.610 +/- acres is not consistent with the property immediately adjacent to the east and is therefore in conflict with the intent objectives of the Town's Zoning Ordinance.

The proposed rezoning of the land from R-1 to MFR-4 consisting of 54.723 +/- acres is appropriate for higher density uses given its proximity to non-residential uses (Lancaster High School). The Municipal Review Committee and Town Board finds that the maximum number of units to be built on the property shall not exceed 355. In addition, the eastern half of the proposed MFR-4 property shall be limited to owner/occupied units only.

The proposed rezoning of the land from R-1 to RCO is consistent with the existing RCO zoning along Walden Avenue and meets the intent and objectives of the Town's Zoning Ordinance.

Adequate services and utilities must be available prior to occupancy. Review and approval by Town agencies will be required for subdivision and site plan approval.

Development will be consistent with all other applicable laws, rules and regulations.

A direct social benefit of the light industrial/office park area would be the added employment opportunities for Town residents and the increase in tax base without great demand for services.

The Town of Lancaster's current adopted Comprehensive Plan also recognizes the advantages of growth in that development can promote an appropriate level and mix of industrial, commercial, residential, recreational, and open space land uses.

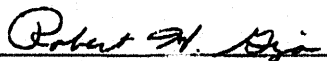
The weighing and balancing of environmental impacts against social, economic and other considerations has included a range of issues touching all the relative physical conditions of the site as well as the existing community or neighborhood character. The concentrated study of wetlands, traffic and stormwater drainage, have found that some impacts will be unavoidable, but through significant efforts to avoid, minimize or mitigate impacts these impacts are moderated to a level that, in balance with the overall benefits of the project, allows the Town to approve the development.

### CERTIFICATION OF FINDINGS TO APPROVE

Having considered the DEIS, the Supplemental Draft EIS and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R 617.11, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R Part 617 have been met.
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

#### TOWN OF LANCASTER TOWN BOARD



Signature of Responsible Official  
Official

\_\_\_\_\_  
Name of Responsible

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

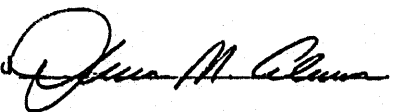
21 Central Avenue, Lancaster, New York 14086

Address of Agency

**ADJOURNMENT:**

**ON MOTION OF PLANNING BOARD CHAIRMAN KEYSA,  
SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED,** the meeting was  
adjourned at 7:05 P.M.

Signed

A handwritten signature in cursive script, appearing to read "Johanna M. Coleman", written in dark ink.

Johanna M. Coleman, Town Clerk

# **Town Board Minutes**

## **Meeting No. 3**

### **Regular Meeting**

**January 18, 2005**

## ***Town Board Minutes***

January 18, 2005

Meeting No. 3

**PRESENT:** DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR

**ABSENT:** NONE

**ALSO PRESENT:** JOHANNA COLEMAN, TOWN CLERK  
ROBERT LABENSKI, TOWN ENGINEER  
RICHARD SHERWOOD, TOWN ATTORNEY  
LEONARD CAMPISANO, ASSISTANT, BUILDING INSPECTOR  
GARY STOLDT, CHIEF OF POLICE  
CHRISTINE FUSCO, ASSESSOR  
TERRENCE McCracken, GENERAL CREW CHIEF

### **EXECUTIVE SESSION:**

UPON MOTION DULY MADE BY COUNCIL MEMBER RUFFINO,  
SECONDED BY COUNCIL MEMBER MONTOUR, to deliberate in Executive Session for the  
announced purpose of discussing a contract matter and a particular personnel matter, which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

At 10:05 P.M., the Town Board reconvened with all members present. The Town  
Clerk reported that no official actions were taken by the Town Board in Executive Session.

### **PERSONS ADDRESSING TOWN BOARD:**

Chowaniec, Lee, 93 Northwood Drive, spoke to the Town Board on the following matters:

- Inquired if the Town Board would be having another public hearing on the Pleasant Meadows Subdivision rezone matter; he expressed disappointment that there are no plans for another public hearing.

**Centinello, Daniel**, 474 Pleasant View Drive, spoke to the Town Board on the following matter:

- Wants to know if the Town Board is planning to have the Board meetings taped for airing by Adelphia Cable.

**Korcz, Richard**, 4946 William Street, spoke to the Town Board on the following matters:

- Made accusations about land ownership in proposed Pleasant Meadows Subdivision.

**Symer, Donald**, 610 Columbia Avenue, spoke to the Town Board on the following matter:

- Told the Board that the culvert on Kennedy Court is still clogged with dead shrubs.
- Comments about the drainage situation at south side of Walden Avenue near Stony Road at the Premier Self Storage facility.

**PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:**

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED**, that the minutes of the Town Board held January 3, 2005 be and  
are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on  
roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: RMIN (P2)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**WHEREAS**, Windsor Ridge Partners, L.L.C, 501 John James Audubon Parkway,  
Amherst, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a  
Public Improvement upon real property in the Town of Lancaster within Windsor Ridge Subdivision,  
Phase V(b), and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified  
on the following permit application that he has reviewed the improvement plans and permit application for  
the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of  
Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No. 598 of Windsor Ridge  
Partners, LLC, 501 John James Audubon Parkway, Amherst, New York, for the installation of:

P.I.P. No. 598  
(Street Lights)

Installation of seven (7) street lights in Windsor Ridge  
Subdivision Phase V(b) as per Town street lighting  
specifications.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call  
which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Windsor Ridge Partners, LLC, 501 John James Audubon Parkway, Amherst, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster within Windsor Ridge Subdivision, Phase V(a), and

**WHEREAS**, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Public Improvement Permit Application No. 599 of Windsor Ridge Partners, LLC, 501 John James Audubon Parkway, Amherst, New York, for the installation of:

P.I.P. No. 599  
(Street Lights)

Installation of nine (9) street lights in Windsor Ridge Subdivision Phase V(a) as per Town street lighting specifications.

be and is hereby approved and the installation of the improvement requested be and is hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTGOMERY	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: RPIP (F3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letters dated January 7, 2005, and January 12, 2005, has requested the addition of new members to the membership roster of said fire association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms the additions to the membership of the Twin District Volunteer Fire Company the following individuals:

**ADDITION:**

Joseph Punaro  
634 Lake Avenue  
Lancaster, New York 14086

Mark Price, Jr.  
10 Fox Trace  
Lancaster, New York 14086

Paul Czyz  
48 Bentley Circle  
Lancaster, New York 14086

Josh Meidinger  
Gale Drive  
Lancaster, New York 14086

David Fortman  
5231 William Street  
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005  
File: RFIRE (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER STEMPNIAK, TO WIT:

**WHEREAS**, Marcia Cox, Clerk Typist in the Town Court, by letter dated December 14, 2004, has requested permission to carry over her two (2) days of vacation time accrued which she could not take by her anniversary date of October 23, 2004, due to reasons cited in her letter.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Marsha Cox, Clerk Typist in the Town Court shall be permitted to carry over her two (2) days of vacation time to her 2005 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

FILE: RPERS.VAC (P4)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER MONTOUR, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER AMATURA, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has duly advertised for bids for furnishing to the Town of Lancaster the necessary trees for the 2005 Tree Planting Program in accordance with specifications on file with the Town Clerk of the Town of Lancaster, and

**WHEREAS**, said bids were duly opened on January 6, 2005, and

**WHEREAS, SCHICHTEL'S NURSERY, INC.**, 6745 Chestnut Ridge Road, Orchard Park, New York 14127 has submitted the lowest responsible bid in the amount of \$23,948 for furnishing said trees to the Town of Lancaster, and

**WHEREAS**, the General Crew Chief, by letter dated January 11, 2005 requests the Town Board to accept the bid of Schichtel's Nursery, Inc., and

**WHEREAS**, by same letter, the General Crew Chief has requested that he be authorized to purchase additional trees at the 2005 bid prices from Schichtel's Nursery, Inc. at his discretion for whatever other tree plantings the Town may incur in 2005.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid of **SCHICHTEL'S NURSERY, INC.**, 6745 Chestnut Ridge Road, Orchard Park, New York 14127, being the lowest responsible bid in conformance with the specifications relating thereto, be and hereby is accepted, and

**BE IT FURTHER**

**RESOLVED**, that the General Crew Chief be and is hereby authorized to place orders with Schichtel's Nursery, Inc. for those trees which the Town of Lancaster needs for its 2005 Tree Planting Program, and

**BE IT FURTHER**

**RESOLVED**, that the General Crew Chief be and is hereby authorized to purchase additional trees at the 2005 bid prices from Schichtel's Nursery, Inc. at his discretion for whatever other tree plantings the Town may incur in 2005.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

FILE: RBO TREES (P3)

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, a vacancy exists in the position of Police Officer in the Police Department of the Town of Lancaster, and

**WHEREAS**, the Chief of Police of the Town of Lancaster, by memorandum dated January 12, 2005 has recommended the appointment of Christopher Keppner to the position of Police Officer, and

**WHEREAS**, Christopher Keppner has placed in the top three (3) candidates with the rating of 90%.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that Christopher Keppner be and is hereby appointed to the position of Police Officer, in the Town of Lancaster Police Department, effective January 24, 2005, with full benefits and salary in accordance with the departmental procedures as set forth in the current Police Benevolent Association contract.

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster take the necessary action with the Personnel Officer of the County of Eric to accomplish the foregoing.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

file: rpers/rpers

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**WHEREAS**, the Town Board of the Town of Lancaster has heretofore held a public hearing pursuant to Chapter 50-Zoning - Section 20 (B) (1) (j) of the Code of the Town of Lancaster, upon the application of **James L. Dispenza**, for a Special Use Permit for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road in the Town of Lancaster, and

**WHEREAS**, persons for and against such Special Use Permit have had an opportunity to be heard, and

**WHEREAS**, the Town Board of the Town of Lancaster at its Town Board meeting dated December 20, 2004 did deny **James L. Dispenza** a Special Use Permit based on the facts and information which was available to them at the time, and

**WHEREAS**, additional information has been presented by the applicant to the Town Board regarding this application for a Special Use Permit and the Board has duly reviewed and considered that information.

**NOW, THEREFORE, BE IT  
RESOLVED**, that the Town Board resolution adopted on December 20, 2004, denying the Special Use Permit is hereby rescinded, and

**BE IT FURTHER**

**RESOLVED**, that pursuant to Chapter 50-Zoning, Section 20 (B) (1) (j), entitled "Commercial and Motor Service District (CMS) " of the Code of the Town of Lancaster, the Town Board of the Town of Lancaster does hereby approve a Special Use Permit to **James L. Dispenza**, for a used light truck and recreational vehicle sales business on premises located at 73 Cemetery Road, in the Town of Lancaster with the following conditions:

- 1.) Lighting on site as it exists except for additional security.
- 2.) Small sign only as per code - no banners, flags, etc.
- 3.) Limit of 30 vehicles on display in side yard.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER AMATURA, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**WHEREAS**, the Town of Lancaster has previously entered into an Agreement between the Lancaster Central School District ("District") and the Town of Lancaster ("Town"), covering the joint sharing of use, costs and expenses for the fuel storage and distribution system located at the District's Transportation Department, Pleasant View Drive in the Town of Lancaster, which Agreement expires according to its terms on March 4, 2005, and

**WHEREAS**, the District has submitted a new contract for an additional five-year term, upon the same terms and conditions as the previous contract, and

**WHEREAS**, the Town Attorney has reviewed said contract and has no objection thereto;

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the Supervisor is hereby authorized to execute on behalf of the Town of Lancaster, a new contract with the Lancaster Central School District covering the joint sharing of use, costs and expenses for the fuel storage and distribution system located at the District's Transportation Department on Pleasant View Drive in the Town of Lancaster for the period March 5, 2005 to March 4, 2010.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: rfuelagreementwithschool105

**PREFILED RESOLUTION NO. 20 - MEETING OF 1/18/05**

Stempniak/ \_\_\_\_\_ Authorize Map Cover Filing Whispering Pines Subdivision  
[Amendment][Whispering Pines Subdivision]

At the request of Council Member Stempniak, this resolution was withdrawn for further study.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTGOMERY, TO WIT:

**WHEREAS**, Pleasant Meadows LLC, the applicant with offices at 2730 Transit Road, West Seneca, New York 14224 has petitioned the Town Board on April 11, 2000 to amend the zoning district map and zoning ordinance of the Town to rezone approximately 271 acres of land located on the north side of Walden Avenue, south of Pleasant View Drive between Central Avenue and Stony Road, Town of Lancaster, County of Erie, State of New York which hereinafter shall be referred to as the "Property", and

**WHEREAS**, such application to amend the Town zoning district map and zoning ordinance to cause a change in zoning classifications on the property is as follows:

(1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings.

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings.

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

**WHEREAS**, such application to amend the Town's Zoning District Map and Zoning Ordinance shall be referred to as the "Action", and

**WHEREAS**, the Town of Lancaster was designated as the lead agency for purposes of the SEQRA review, and

**WHEREAS**, the Town's Municipal Review Committee, and the Town Board have reviewed the "Action" pursuant to the requirements of the State Environmental Quality Review Act and the regulations issued by the New York State Department of Environmental Conservation applicable thereto at 6 NYCRR Part 617 *et seq.* (collectively referred to as "SEQRA"), and

**WHEREAS**, the Municipal Review Committee and Town Board issued a Positive Declaration for the "Action" on December 4, 2000, and

**WHEREAS**, the Town required the project sponsor to cause the preparation of a Draft Environmental Impact Statement ("DEIS") which was accepted by the Municipal Review Committee and Town Board as complete on October 21, 2002, and

**WHEREAS**, the lead agency held a public hearing on the DEIS on January 14, 2003 and a public hearing on the rezone on March 17, 2003 which afforded the public the opportunity to be heard on the "Action", and

**WHEREAS**, the Town's Municipal Review Committee and Town Board required the project sponsor to submit a SDEIS which was accepted as complete and in accordance with SEQRA on August 2, 2004, and a public comment period was held open to September 10, 2004, and

**WHEREAS**, after a full and thorough review of the SDEIS, comments submitted at the above-referenced public hearings and other written comments submitted to the Town Clerk, the Town's Municipal Review Committee and the Town Board determined that the "Action" required a Final Environmental Impact Statement ("FEIS"), and

**WHEREAS**, the FEIS was submitted to the Town and after due consideration was accepted for public review at the meeting of the Town's Municipal Review Committee and Town Board held on November 1, 2004; and

**WHEREAS**, upon full consideration of the FEIS, the Town Board is prepared to issue its Findings Statement with respect to the Action and pursuant to SEQRA; and

**WHEREAS**, the process undertaken by the Town as lead agency to review the Action has provided a means for the Town, public agencies, the project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation and this process has allowed the weighing of social, economic and environmental factors early in the planning and decision-making process; and

**WHEREAS**, as part of the Zoning Ordinance of the Lancaster Town Code, the Town has established a site plan review process at Section 50-43 to control development including that within the zoning districts proposed in the action, to wit: MFR-3, MFR-4 and RCO zoning districts, which such site plan review process will afford a full and thorough opportunity to control the actual development of the Property, and

**WHEREAS**, the Town requires a review process for the development of residential subdivisions with R-1 and R-2 zoning districts which affords the Town control over a subdivision development plat within the R-2 zoning as proposed in the action herein;

**NOW THEREFORE**, be it resolved as follows:

1. That the proposed amendments to the Zoning District Map of the Town of Lancaster with respect to the approximate 271 acres of land which include the following zoning changes:

(1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings;

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings;

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings;

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park;

have been determined, after a full environmental review including DEIS, SDEIS and FEIS, to be actions which with the mitigation proposed are actions that avoid or minimize adverse environmental impacts to the maximum extent practicable.

2. The Town Board, as lead agency has reviewed and hereby adopts the attached Findings Statement and all of its supporting documentation with respect to the petition for zoning change of land and incorporates its analysis and findings in this resolution and directs the Town Clerk to file such Findings Statement and this resolution with all appropriate and involved agencies in accordance with the requirements of SEQRA.

3. This Resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: rpleasantmeadowacceptfindingsstatement105

## STATE ENVIRONMENTAL QUALITY REVIEW

### FINDINGS STATEMENT

Pursuant to Article 8 (State Environmental Review Act- SEQR) of the Environmental Conservation Law and 6. NYCRR Part 617, the Town Board of the Town of Lancaster, as Lead Agency, makes the following findings:

**Name of Action:** Pleasant Meadows Subdivision

Rezoning for multi-family development for densities in MFR-3 and MFR-4, rezoning for residential/commercial uses for office park, rezoning for greater density for single family dwellings.

**Description of Action:** (1) Rezoning of 55 +/- acres of land from R-1 to MFR-4 and the development of multi-family dwellings.

(2) Rezoning of 39 +/- acres of land from R-1 to MFR-3 and the development of multi-family dwellings.

(3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings.

(4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

**Location:** North side of Walden Avenue between Hedge Lane and Traceway and running north to Pleasantview Drive, Town of Lancaster, Erie County, New York

**Agency Jurisdiction:** (1) *Approval for rezoning* is required by the Town of Lancaster, pursuant to the permitted use provisions of the Town of Lancaster Zoning Code. Multi-family residential development at this site is contingent upon receiving this approval as is the office park.

(2) *Site plan approval* will be required by the Town of Lancaster pursuant to Article VIII, Section 50-43 of the Zoning Code of the Town of Lancaster for the office park development.

(3) *Subdivision approval* will be required by the Town of Lancaster pursuant to Article I, Section 30 of the Permit and Application Fee of the Code of the Town of Lancaster and the Regulations for the Subdivision of Land adopted by the Town of Lancaster.

**Date Final EIS Filed:** October 15, 2004

**Facts and Conclusions in the EIS relied upon to support the decision:**

**PART I: INTRODUCTION**

A Petition was filed by Manufacturers and Traders Trust Company, on or about April 11, 2000, requesting the Town Board of the Town of Lancaster to amend the Zoning Ordinance of the Town of Lancaster to rezone approximately 271 acres of property located at the northwest corner of the project site fronting on Pleasantview Drive in the Town of Lancaster, Erie County and State of New York. Pleasant Meadows LLC as successor in interest to M & T, thereafter addressed development of the proposed project.

The Petition requested (1) rezoning of the approximately 55 +/- acres of the Property currently zoned R-1 to Multi-Family District Four (MFR-4) to permit the construction of multi-family dwelling units (2) rezoning of 39 +/- acres of land from R-1 to MFR-3 to permit the construction of multi-family dwelling units (3) Rezoning of 67 +/- acres of land from R-1 to R-2 for single family dwellings (4) Rezoning of 55 +/- acres of land from R-1 to RCO for an office park.

The Town's Municipal Review Committee after its initial review of the full environmental assessment form (EAF) and considering the potential environmental impacts of the project issued a Positive Declaration in accordance with the provisions of a SEQRA at its meeting held on December 4, 2000 with a Notice of Intent to prepare a Draft EIS which was prepared for the Town Board on behalf of the developer and submitted on August 20, 2002. The DEIS was thereafter accepted by the MRC and Town Board as complete on October 21, 2002. On January 14, 2003 the Town Board held a public hearing on the DEIS and on March 17, 2003 a public hearing on the rezone petition.

The Town as lead agency determined that a Supplemental DEIS (SDEIS) was required and the developer submitted same on December 15, 2003. After receiving comments from the public, other interested agencies and the Town's consultant Clough, Harbour & Associates LLP (CHA) the Town accepted the SDEIS as complete by Town Board resolution on August 2, 2004 and a public comment period was held open until September 10, 2004.

The DEIS and SDEIS and all written comments received during the public comment period including the public hearing were reviewed by the Town Board and Town's Municipal Review Committee and the Town's Consultant, Clough, Harbour & Associates LLP.

Incorporating the written responses to all substantive written and oral comments received during the public comment period, an FEIS was subsequently prepared by the Applicant for consideration and review by the Town's Consultant, the MRC and Town Board. Following this careful review and analysis, the FEIS was accepted as complete by the Town Board on November 1, 2004 and circulated to the involved agencies and the public. An extended period of approximately 28 days for public review period was established from this date to November 29, 2004, which was then extended and held open to December 13, 2004 by the Town Board and Municipal Review Committee resolution of December 6, 2004.

The Town Board has carefully and thoroughly reviewed the information contained in the FEIS, Appendices, the SDEIS and its Appendices and the original DEIS and found it to be an adequate examination of all important potential impacts which would result from affirmative action on the subject rezoning application for development of multi-family dwellings, the construction of a residential subdivision and townhouses and the construction of an office park development.

Since receipt of the FEIS, the Town Board has received additional comments. The Town Board has carefully considered these additional comments and has determined that the issues raised by such comments were adequately addressed in the FEIS.

The Town Board recognizes that qualified experts on any topic may differ in their conclusions and in particular may differ in the judgements employed during analysis. The Town Board acknowledges that the review of this rezoning proposal and the debate over various issues that have been submitted by government agencies, other experts and the general public reflect hundreds of hours of examination of the project. On balance, and after careful consideration of all relevant documentation and comments, the Town Board believes it has more than adequate information to evaluate all of the benefits and potential impacts of this project as a basis for considering the requested rezoning and development of the site.

Recognizing that SEQR was developed to foster a careful review by all interested parties of any potentially significant environmental impacts at a time when the discussion of such consequence has the most meaning, this review was conducted prior to any agency decision regarding permits or approvals and while the project is still in its formative stage. This early environmental analysis is appropriate in this case where a rezoning of land is also required prior to project development. The filing of conceptual plans for a major project is common and affords important opportunities to obtain information and help shape the ultimate project that will be presented for more detailed review by the Town Planning Board at its site plan review stage. The environmental review of this rezoning action has afforded the Town Board and other involved agencies a clear understanding of the potential environmental impacts that might arise from the actual construction on and use of the site. To the extent possible, the Applicant presented detailed information regarding certain impacts, most notably traffic and wetlands which can be reasonably anticipated and analyzed at an early stage of the process. Analysis of other impacts, such as the stormwater run-off, drainage, visual and aesthetic impacts, can only be performed in a conceptual manner and must await the preparation of a detailed site plan. The review of the site plan will advance to its final stage with the Town following completion of the SEQR process. During the final review of the site plan and subdivision plan the Town will assess the consistency of the final plans with the details that were considered during the SEQR process and move to a decision on the approval of the site plan and subdivision plan after this consideration. The environmental review process has provided the Town Board with a clear understanding of the nature of potential impacts associated with the development of the site. The US Army Corps of Engineers (USACOE) exercised jurisdiction over the investigation of wetlands which are within the boundaries of the Site. The Applicant has been working cooperatively with the USACOE to evaluate the functions and values, and adequate mitigation of these wetlands, after having considered alternatives to avoid or minimize impacts to them. The Applicant has worked cooperatively with NYS DEC to ensure that all appropriate steps are taken to ensure integrity of the NYS designated wetlands on site. New York State Department of Transportation (NYSDOT) has jurisdiction over roadway changes to Walden Avenue at the proposed intersection of Pleasant Meadows Road and requires that a left turn lane be constructed by the project sponsor as a condition of obtaining a Highway Work Permit from DOT.

The New York State DOT has identified that it has a project planned for the summer of 2011 whereby improvements will be made to the intersection of Genesee Street, Route 33 and Transit Road, Route 78. The New York State DOT has indicated that traffic at Pleasantview Drive and Transit Road will experience additional delays for some movements. The FEIS demonstrates possible highway improvements including an additional west bound right turn lane, creating dual right turn lanes, and additional left turn lane, creating dual left turn lanes and an additional north bound thru lane as potential mitigation actions.

The DOT advises that making improvements at the Pleasantview Transit Road intersection at the present time may not result in fully realized improvement to traffic flow prior to the completion of capacity improvements at the Genesee Street/Transit Road intersection given the proximity of this intersection to the Genesee Street/Transit Road intersection. As a result DOT has recommended that it is desirable to have the highway improvements of Pleasant View Drive and Transit Road coordinated with the schedule of the New York State DOT for the improvement of the Genesee Street/Transit Road intersection.

Since Pleasantview Drive is a County highway the Erie County Highway Department shall address mitigation of traffic impacts as they affect this County Road.

The project sponsor shall enter into an agreement with the Erie County DPW to pay for cost of mitigation deemed necessary by the County DPW at the intersection of Harris Hill Road, Central Avenue and Pleasantview Drive as the development of the project site progresses.

The County of Erie DPW will require that as part of the current progression of the design project at the County roads intersection of Harris Hill Road, Central Avenue and Pleasantview Drive that the developer will enter into an Agreement with ECDPW to pay for the cost of improvements deemed to be appropriate by the County DPW at the intersection of Pleasantview Drive and Transit Road which will be effectuated through a reverse betterment agreement between the County of Erie DPW and the New York State DOT.

NYS DOT has determined that it will require exclusive left turn lane eastbound on Walden Avenue to be constructed at the developers expense as a condition of the NYS DOT issuing a highway work permit to connect Pleasant Meadows Drive to Walden Avenue. The DOT will also require that the developer obligate itself to provide for signalization at that intersection in the future if DOT, after monitoring, determines such a signal to be necessary.

The DOT has determined that the intersection of Walden Avenue and Stony Road will not be impacted by this development and the developer will not be obligated to install a signal at this location.

That the Walden Avenue and Transit Road intersection has been reviewed by DOT and while the FEIS discusses possible highway improvements involving the addition of turn lanes, the DOT states that construction of additional turn lanes by the developer is not feasible due to highway right-of-way constraints.

That with regard to the intersection of Walden Avenue and Central Avenue the FEIS discusses possible highway improvements involving an additional north bound left turn lane on Central Avenue but DOT has determined that given highway right-of-way constraints the developer cannot construct this additional turn lane.

## **PART II: THE SITE**

The members of the Town Board are familiar with the Site and the area surrounding the Site.

The proposed action seeks to (1) rezone approximately 55 +/- acres of land from R-1 to MFR-4 on which multi-family dwellings will be constructed. The land is undeveloped at this time. (2) rezone approximately 39 +/- acres from R-1 to MFR-3 (3) rezone approximately 67 +/- acres from R-1 to R-2 for single family dwellings (4) rezone approximately 55 +/- acres from R-1 to RCO for an office park.

The Project Site is bounded by Walden Avenue to the south, Walden Trace Subdivision to the west, Stony Brook Subdivision to the east and Pleasantview Drive to the north.

The site contains 39 acres of New York State regulated wetlands. The said regulated wetlands will be conveyed to the Town of Lancaster together with the conveyance of a conservation easement along the east boundary of the parcel to connect the wetland areas.

## **PART III: LAND DONATION/CONSERVATION EASEMENT**

- A. Upon authorization and approval by the Town Board of Public Improvement Permits, for Phase I of the proposed development, the Project Sponsor will be required to convey by quit claim deed to the Town of Lancaster, all their right, title and interest to the 42 +/- acre parcel of land as described in the DEIS which includes the 39 acres of NYS regulated wetland.
- B. In addition, upon approval by the appropriate regulatory agencies of the proposed wetland mitigation areas, the Project Sponsor will be required to convey to the Town of Lancaster a Conservation Easement consisting of a "Corridor" linking the proposed wetland mitigation area to the 42 +/- acres of land to be conveyed to the Town. The precise location of the easement "Corridor" is to be determined by the DEC and the Town. This easement will be granted to the Town at such time the wetland mitigation is accepted as complete by the appropriate agencies.

## **PART IV: PROPOSED DEVELOPMENT**

Applicant proposes to construct a residential subdivision of 174 single family homes, 120 townhouses, 512 multi-family dwellings and an office park. The Applicant is required to obtain Town Board site plan approval prior to constructing the multiple dwellings and the office park/light industrial. Site plan approval will allow the Town to further control the development of the Site to assure that the scope of development is consistent with that analyzed in the SEQRA process. The Town site plan approval considers, among other issues: ground coverage, setbacks, green spaces, parking spaces, ingress and egress, ingress and egress to county highway, ingress and egress to state highway, ingress and egress to town road, sewer, water, drainage, lighting, signage, screening and landscaping. The applicant is required to obtain subdivision approval for the residential subdivision and townhouses. The review process for a subdivision considers the street layout and imposes Town specifications on public improvements. Storm water drainage and detention areas must be sized to accommodate 100 year flood events while retaining discharge from same to the 10 year undeveloped discharge level.

The Town Board of Lancaster, as lead agency, reviewed a conceptual site plan set forth in the DEIS, SDEIS and FEIS. The detailed site plan to be prepared will take into account the comments of the involved agencies, in particular, Erie County Department of Environment and Planning (ECDEP) regarding construction of sanitary sewers, NYSDEC regarding a Stormwater Pollution Prevention Plan, and Erie County Water Authority (ECWA) for water supply connections.

Other agencies which must approve various aspects of the proposed development include the Erie County Sewer District No. 4, ECDEP, NYSDOT, ECDPW Highway Division, U.S. Army Corps of Engineers, and NYSDEC.

#### **PART V: TRAFFIC AND ROADWAY IMPROVEMENTS**

The principal roadways to be affected by the construction and use of the site are Walden Avenue, which falls under the jurisdiction of the NYSDOT; and Pleasantview Drive which falls under the jurisdiction of the ECDPW Highway Division.

Applicant has agreed in writing to make the roadway improvements at the intersection of Pleasantview Drive and Harris Hill/Central Avenue as determined by ECDPW in the future for the mitigation of traffic impacts.

Applicant has agreed to make roadway improvements on Pleasantview Drive at and near the intersection of Transit Road as determined in the future by ECDPW for the mitigation of traffic impacts.

These extensive roadway improvements and access management controls will substantially mitigate the effects of increased traffic resulting from the construction and use of the site.

Once the off-site improvements have been constructed by the Applicant and accepted by the appropriate governmental agencies, maintenance will be performed by those agencies with jurisdiction.

Increase in traffic due to development is inevitable, however, the mitigation proposed by the Applicant alleviates to the best extent possible, the negative impacts of this increase.

#### **PART VI: WETLAND IMPACTS - MITIGATION AND HYDROLOGY**

##### **A. Mitigation**

Wetland mitigation to be completed as set forth by EDI in their preliminary Wetland Delineation Permit.

1. 5.01 +/- acres of new wetland creation.
2. 2.3 +/- acres of wetland buffer to establish a natural green-way corridor along the east project line linking wetland 13/LA-16 to Scajaquada Creek.

Wetland impacts as detailed in DSEIS and EDI Preliminary Wetland Mitigation Plan.

1. 0.07 +/- acres of wetlands and stream crossing Scajaquada Creek to access upland acres north of the creek. This crossing is unavoidable and has been minimized to a single crossing as shown in the EIS.
2. 0.45 +/- acres of wetland disturbance to cross wetland 13/LA-16 to link and complete the infrastructure network (roads, waterlines, etc.). This crossing is critical to provide maximum emergency access to the site. The impact has been minimized to limit the impact to the roadway and utilities. No homes are to be constructed within the wetland boundary.
3. 1.62 +/- acres of wetland buffer disturbance along the northerly boundary of wetland 13/LA-16. The disturbance is to be limited to the construction of storm water detention facilities and pipes that will also serve as a physical barrier between human activities areas proscribed for development, and the regulated areas within wetland 13/LA-16.

4. 0.77 +/- acres of impact to federal jurisdictional wetlands 18 and 19. Preservation of this small wetland area would not result in meaningful benefits to the quality of waters of the United States or the habitat contained within wetland 13/LA-16. We find that U.S. waters will result from the compensatory creation of new wetland areas along the Scajaquada Creek corridor as designed and described in the EDI Preliminary Wetland Mitigation Plan contained within the DSEIS.

5. 0.40 +/- acres of impact to the Southern perimeter wetland 13/LA-16, and 1.69 +/- acres of associated buffer. Preservation of this area provides no significant benefit to the waters of the United States or the habitat contained within wetland 13/LA-16. We find that U.S. waters will result from the compensatory creation of new wetland areas along the Scajaquada Creek corridor as designed and described in the EDI Preliminary Wetland Mitigation Plan contained within the DSEIS.

#### B. Hydrology

In order to mitigate for seasonal fluctuations to the water table within the existing wetland areas, the Project Sponsor will create seven vernal pools for the purpose of preserving habitat for wildlife species that utilize the existing wetland areas on the Project Site.

### PART VII: BIOLOGICAL RESOURCES

The primary impact to biological resources as a result of the project will be permanent loss or conversion of primary open field vegetation on the site, and the wildlife habitat it represents. However, approximately 16% of the site is proposed to be set aside for open space preservation. This is a forested area of about 42 acres located in the central portion of the site, and is the only stand of woods on the property. Additionally, another 4 +/- acres of property will be preserved as open space along the Scajaquada Creek corridor.

With the remaining areas specified for development, virtually all of the existing vegetation will be converted to residential and office related uses. This includes the conversion of fields to impervious surfaces (i.e., roads, buildings, sidewalks, parking areas, etc.) As well as lawns and landscaped areas - including detention ponds. Curvilinear designed, multi-use projects may contain over 60% green space, distributed into yards and common areas throughout the site.

The existing biological resources (vegetation and wildlife) found on the project site are characteristic of suburban areas, and are relatively common in the vicinity. If common areas are designed sufficiently large (particularly in those areas abutting lands specified for donation as public open space) vegetation can be allowed to mirror the existing successional field habitat. These areas will then represent similar habitats to those being displaced and can be expected to compensate to some extent for the loss of existing vegetation. As a result, only minimal terrestrial biological impacts are expected to occur as a result of the proposed project, although these impacts do represent a permanent conversion of existing resources.

No rare, threatened, or endangered species or critical habitats were identified within the project bounds in EDI's assessment of the property (see Appendix "E" of the DEIS - Ecological Evaluation). Therefore, no impacts to state or federally listed rare, threatened, or endangered species or critical habitats will occur as a result of the project.

### PART VIII: NOISE IMPACT AND MITIGATION

The construction phase of the project will have some unavoidable noise impact on the adjoining residential areas. Some level of noise disturbance is anticipated during any construction project. The SDEIS analyzed the noise impact in detail. Applicant will follow "best management practices" in mitigating construction noise at the site. Applicant will also:

Restrict construction activity to daytime hours.

## PART IX: GEOLOGY AND SOILS

The proposed Pleasant Meadows Subdivision has very stiff to hard glacial tills located immediately below the topsoil in the northern part of the site and within four feet (4') of the ground surface in the central and south-central portion of the site. Based on the referenced materials, the only areas where the glacial till sediment is deeper than four feet (4') is along Scajaquada Creek and south of Scajaquada Creek to Walden Avenue. This is based on the Ovid and Churchville soil types recognized on the Published Soil Survey of Erie County, and identified during the Wetland delineation conducted by EDI in the fall of 1997 and the extensive soil boring investigation conducted by April 12, 2004. The soil boring investigation verified the condition of the underlying glacial till and subsoils in the area intended for residential development.

The differential settling noted in residential homes in select isolated areas within Western New York is related to the prismatic soil structure boundary to the soft and very soft laminated lacustrine clays. This is occurring where this boundary is within three (3) feet of the residential basement. The compressible illitic clayey laminated sediment subject to shrinkage is not present in the central and northern part of the proposed Pleasant Meadows development. The only area where there may be cohesive, compressible sediment would be within the flood plain area and south of Scajaquada Creek. The portion of the Pleasant Meadows project site south of Scajaquada Creek is proposed for commercial development. A detailed geotechnical investigation which includes soil borings will be completed for each of the commercial components prior to the final design of each building. In addition, there are no habitable structures as proposed within the flood plain.

## PART X: DRAINAGE

The Applicant will provide a stormwater management system, which is designed to attenuate peak rates of stormwater flow from the Site equal to no greater than 10-year pre-development storm event. The stormwater management system and detention basins will be sized to accommodate stormwater from a 100 year storm event.

The Applicant will finalize design and follow a Stormwater Pollution Prevention Plan, which will be utilized to allow the use of the State Pollution Discharge Elimination System (SPDES) permit from the NYSDEC. The Applicant must file a Notice of Intent, Termination and Transfer and demonstrate conformance of the Stormwater Pollution Prevention Plan with the SPDES General Permit guidelines.

The detailed storm drainage system for the Site must be included in site plans and subdivision plan for review by the Town Engineer, Town Planning Board and Town Board.

The design water levels for the stormwater management system will be set to preclude negative drainage conditions upstream of the basin area.

The stormwater management and treatment system will be constructed to dissipate energy and prevent scouring at the basin inlets. In addition, the system will provide extended detention for pollution removal, and discharge to an area in which natural processes will provide further polishing of the stormwater prior to release into the existing drainage network.

Stormwater conveyance structure will be inspected routinely to ensure proper operation. The Applicant will perform regular preventative maintenance and cleaning, including removal of debris from the catch basins, and pre-treatment areas, to minimize pollutant entering the stormwater management system prior to conveyance of these areas to the Town of Lancaster. The detention basins will not be conveyed to the Town until such time as the entire site is built out.

## PART XI: LIGHTING

There is no significant adverse environmental impact due to the proposed project development.

## PART XII: EMPLOYMENT

Construction of project will result in temporary construction job over a number of years. Construction and operation of office park area is expected to add substantial employment opportunities to the region's economy.

The Town of Lancaster recognizes the value of these jobs to the community in terms of betterment of personal income, and the benefits to job-seekers.

### **PART XIII: MASTER PLAN**

The Town has considered the environmental impacts of the proposed rezoning and its compatibility with the current adopted Comprehensive Plan. The Comprehensive Plan represents the current thinking for not only Town of Lancaster, but also its neighbors: The Village of Depew and Village of Lancaster.

The Comprehensive Plan recognizes the growth and development in the Town as positive influences and helps identify areas of opportunity for continued revitalization of the community. The Plan also promotes an appropriate level of mix of commercial, residential, recreational and open space land use.

### **PART XIV: ALTERNATIVES**

In accordance with SEQRA Regulations, the FEIS contained discussion of alternatives.

Alternatives considered included the "No-Action Alternative" including a "no-build" scenario, as well as an "as of right" development.

The Town finds that the Applicant has demonstrated an ability and willingness to conduct activities in an environmentally sensitive manner, meeting the standards imposed by Federal, State and Local involved or interested agencies.

The configuration of the site includes proximity to shopping opportunities, relatively moderate environmental impacts and availability of public infrastructure to service the site.

### **PART XV: MISCELLANEOUS**

The Applicant has incorporated a number of measures that would mitigate or eliminate the significant and potential environmental impacts associated with the development.

The Applicant will mitigate impacts to wetlands on site by creating replacement wetlands on-site and will preserve a high quality wooded wetland/upland complex and state regulated wetland on site.

Some soil erosion will occur during construction as a result of clearing, grubbing, grading, excavating and other earth-moving operations. Sediment loading to surface waters will be minimized by conventional temporary and permanent erosion and sediment control measures (e.g. silt fences and hay bales, rip-rap lined channels, and sedimentation basins etc.) during construction. Permanent drainage swales and a detention basin will be used to reduce sediment after construction. The total area of soil disturbance will be minimized by construction sequencing. These measures coupled with the relatively flat topography of the site, should adequately mitigate impacts from sedimentation and erosion. The Applicant will be responsible for maintenance, inspection and preventative maintenance of sediment and erosion control features post-construction. Undeveloped but disturbed areas must be seeded and maintained with successful vegetative cover.

Best management practices, such as conventional air emission control devices, will be used for construction equipment, to minimize impact to the existing air quality. Site preparation and other construction activities can be expected to generate fugitive dust. Applicant must control fugitive dust by minimizing area of exposure, spraying water during dry conditions and operating construction vehicles at appropriate speed throughout the construction phase of the Project.

Due to the proximity of the Pleasant Meadows project area to previously recorded archaeological sites, the Project Sponsor retained Pratt & Huth Associates, LL and The Commonwealth Cultural Resource Group, Inc. (CCRG) to conduct on-site evaluations within the project area. The investigation included State 1 Review as well as close interval shovel testing. Stage 2 site evaluation investigations were conducted by CCRG. Their report is set forth in Appendix "F" of the DEIS. The New York State Office of Parks, Recreation and Historic Preservation reviewed the report findings and found the development will not impact cultural resources eligible for the NYS or National Register of Historic Places. Therefore, no further investigation is required.

PART XVI: CONCLUSION

The process undertaken by the Town to review the proposed development has provided a means for agencies, the project sponsors, and the public to systematically consider significant adverse environmental impacts, alternatives and mitigation. The process has allowed the weighing of social, economic and environmental factors early in the planning and decision-making process.

The proposed rezoning of the land from R-1 to R-2, consisting of 66.651 +/- acres is consistent with the surrounding land uses, and meets the intent and objectives of the Town's Zoning Ordinance.

The proposed rezoning of the land from R-1 to MFR-3 consisting of 38.610 +/- acres is not consistent with the property immediately adjacent to the east and is therefore in conflict with the intent objectives of the Town's Zoning Ordinance.

The proposed rezoning of the land from R-1 to MFR-4 consisting of 54.723 +/- acres is appropriate for higher density uses given its proximity to non-residential uses (Lancaster High School). The Municipal Review Committee and Town Board finds that the maximum number of units to be built on the property shall not exceed 355. In addition, the eastern half of the proposed MFR-4 property shall be limited to owner/occupied units only.

The proposed rezoning of the land from R-1 to RCO is consistent with the existing RCO zoning along Walden Avenue and meets the intent and objectives of the Town's Zoning Ordinance.

Adequate services and utilities must be available prior to occupancy. Review and approval by Town agencies will be required for subdivision and site plan approval.

Development will be consistent with all other applicable laws, rules and regulations.

A direct social benefit of the light industrial/office park area would be the added employment opportunities for Town residents and the increase in tax base without great demand for services.

The Town of Lancaster's current adopted Comprehensive Plan also recognizes the advantages of growth in that development can promote an appropriate level and mix of industrial, commercial, residential, recreational, and open space land uses.

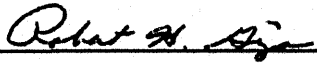
The weighing and balancing of environmental impacts against social, economic and other considerations has included a range of issues touching all the relative physical conditions of the site as well as the existing community or neighborhood character. The concentrated study of wetlands, traffic and stormwater drainage, have found that some impacts will be unavoidable, but through significant efforts to avoid, minimize or mitigate impacts these impacts are moderated to a level that, in balance with the overall benefits of the project, allows the Town to approve the development.

## CERTIFICATION OF FINDINGS TO APPROVE

Having considered the DEIS, the Supplemental Draft EIS and Final EIS, and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 N.Y.C.R.R. 617.11, this Statement of Findings certifies that:

1. The requirements of 6 N.Y.C.R.R Part 617 have been met.
2. Consistent with the social, economic and other essential considerations from among the reasonable alternatives available, the action is one which avoids or minimizes adverse environmental effects to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized by incorporating as conditions to the decision those mitigative measures which were identified as practicable.

### TOWN OF LANCASTER TOWN BOARD



Signature of Responsible Official

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

21 Central Avenue, Lancaster, New York 14086

Address of Agency

THE FOLLOWING RESOLUTION WAS OFFERED  
BY SUPERVISOR GIZA, WHO MOVED ITS  
ADOPTION, SECONDED BY COUNCIL  
MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Audited Claims be and are hereby ordered paid  
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the  
Director of Administration and Finance, to wit:

Claim No. 13096 to Claim No. 13413 Inclusive

Total amount hereby authorized to be paid: \$749,594.46

The question of the foregoing resolution was duly put to a vote on roll call which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: Relaims

THE FOLLOWING RESOLUTION WAS OFFERED  
BY COUNCIL MEMBER STEMPIAK, WHO  
MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER RUFFINO, TO WIT:

**RESOLVED** that the following Building Permit applications be and are hereby reaffirmed:

**CODES:**

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

(V/L) = Village of Lancaster

**NEW PERMITS:**

12526	Patrick Homes of WNY	5580 Genesee St	Er. Comm. Add.
12527	All Craft Inc	3 Via Donato W	Er. Res. Add.
12528	Tucker Homes Inc	16 Beatrix Cir	Er. Dwlg.-Sin.
12529	Marrano/Marc Equity	16 Ashwood Ct	Er. Dwlg.-Sin.
12530	Tucker Homes Inc	19 Beatrix Cir	Er. Dwlg.-Sin.
12531	Hart, Brian	4875 Transit Rd	Er. Sign-Temp
12532	Custom Sign Center	470 Aurora St	Er. Sign-Wall

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

**BE IT FURTHER**

**RESOLVED**, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

January 18, 2005

File: Rbldg2

## COMMUNICATIONS & REPORTS:

18. Town Clerk to Town Board -  
Transmittal of monthly report for December 2004. DISPOSITION = Received & Filed
19. Erie County Sheriff to Town Clerk -  
Transmittal of 2003 Annual Report of Erie County Sheriff's Office.  
DISPOSITION = Received & Filed
20. Highway Superintendent to Town Board -  
Notice of acceptance of Sagebrush, Ann Marie and Joseph Drives with conditions.  
DISPOSITION = Planning Committee
21. Town Clerk to Various News Media -  
Public Notice of meetings of official bodies of the Town of Lancaster for 2005. DISPOSITION = Received & Filed
22. Town Engineer to Town Attorney -  
Letter regarding recent flooding problems at Premier Self Storage. DISPOSITION = Supervisor
23. Chief of Police to Planning Board Chairman -  
Concerns regarding proposed Pleasant Heights Subdivision. DISPOSITION = Planning Committee
24. William R. Carroll to Supervisor -  
Notice of intention to retire effective March 19, 2005. DISPOSITION = Received & Filed
25. Association of Erie County Governments to Town Board -  
Notice of meeting to be held Thursday, January 27, 2005, 6:30 PM, in Hamburg NY.  
DISPOSITION = Town Board
26. James Dispenza to Town Board -  
Letter requesting reconsideration for Special Use Permit, for property at 73 Cemetery Road. DISPOSITION = Resolution 1/18/05
27. Town Clerk To Town Board -  
Transmittal of annual report for 2004. DISPOSITION = Received & Filed
28. Clough Harbour & Associates LLP to Supervisor -  
Information regarding Quality Communities Grant Program through NYS Department of State for municipal planning projects. DISPOSITION = Grant Writer
29. Erie County Department of Public Works to Town Attorney -  
Letter regarding traffic impact review process for the proposed Pleasant Meadows Subdivision. DISPOSITION = Planning Committee
30. NYS DOT to Town Attorney -  
Notice of completion of FEIS review regarding proposed Pleasant Meadows Subdivision; comments noted. DISPOSITION = Planning Committee
31. NYS DEC to Town Attorney -  
Notice of completion of preliminary plat plan review regarding proposed Nicholas Heights Subdivision, 5067 William Street; concerns noted. DISPOSITION = Planning Committee
32. Erie County Department of Environment & Planning to Town Attorney -  
Notice of preliminary plat review regarding proposed Nicholas Heights Subdivision, 5067 William Street; recommendations noted. DISPOSITION = Planning Committee

33. NYS DOT to Town Attorney -

Notice of no comments regarding amended preliminary plat of proposed Cross Creek Subdivision, NW corner of Pleasant View Drive & Pavement Road. DISPOSITION = Planning Committee

34. Erie County Department of Environment & Planning to Town Attorney -

Notice of review of amended preliminary plat of proposed Cross Creek Subdivision, NW corner of Pleasant View Drive & Pavement Road; recommendations noted. DISPOSITION = Planning Committee

35. Erie County Department of Environment & Planning to Town Attorney -

Notice of review of preliminary plat of Country Club Gardens, north side of Broadway at Pavement Road; comments and recommendations noted. DISPOSITION = Planning Committee

36. NYS DOT to Town Attorney -

Notice of review of preliminary plat of proposed County Club Gardens, north side of Broadway at Pavement Road; comments noted. DISPOSITION = Planning Committee

37. Twin District Fire Company to Town Clerk -

Request for change in roster. DISPOSITION = Resolution 1/18/05

38. Planning Board Chairman to Planning Board, Town Board, Town Engineer, Highway Superintendent, Deputy Town Attorney, Building Inspector -

Draft copy of Planning Board minutes of meeting held January 5, 2005. DISPOSITION = Received & Filed

39. Planning Board to Town Board -

Recommend approval of preliminary plan review of proposed Windsor Ridge South Subdivision, west side of Bowen Road between Brunck Road and Hall Road; conditions noted. DISPOSITION = Planning Committee

40. Planning Board to Town Board -

Recommend adjournment of sketch plan review of proposed Pleasant Heights Subdivision; conditions noted. DISPOSITION = Planning Committee

41. Erie County Department of Environment & Planning to Planning Board Chairman -

Transmittal of map of the Lancaster - Alden Agriculture District. DISPOSITION = Received & Filed

42. Village of Lancaster to Town Board -

Minutes of meeting held December 27, 2004. DISPOSITION = Received & Filed

43. General Crew Chief to Chairman, Tree Planting Committee, Town Board -

Request for resolution to award contract to Schichtel's Nursery for 2005 Tree Planting program. DISPOSITION = Resolution 1/18/05

44. Town Clerk to Various News Media -

Notice of special meeting of the Municipal Review Committee to be held Tuesday, January 18, 2005 at 6:30 PM to re-visit the FEIS of the proposed Pleasant Meadows Subdivision. DISPOSITION = Received & Filed

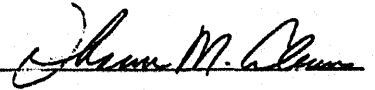
45. Chief of Police to Town Board -

Request resolution to appoint Christopher Keppner police officer. DISPOSITION = Resolution 1/18/05

**ADJOURNMENT:**

**ON MOTION OF COUNCIL MEMBER MONTOUR, SECONDED BY COUNCIL MEMBER AMATURA AND CARRIED, the meeting was adjourned at 10:05 P.M.**

Signed

A handwritten signature in dark ink, appearing to read "Johanna M. Coleman", written over a horizontal line.

Johanna M. Coleman, Town Clerk